

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-42388-2019

Date of Decision:14.10.2019

Sumit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Pardeep Solath, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.117 dated 24.08.2019 under Sections 506, 509 IPC and Section 12 of the POCSO Act, 2012, registered at Women Police Station, Bhiwani.

The aforesaid FIR was registered at the behest of father of the prosecutrix, wherein the allegation against the petitioner is that he has molested the daughter of the complainant on 23.08.2019.

Learned counsel for the petitioner while drawing attention of this Court to the statement of the prosecutrix dated 26.08.2019 submits that there is no such allegation in the statement of the prosecutrix made by her under Section 164 Cr.P.C. to the effect that she was ever molested by the petitioner. Petitioner is in custody since 03.09.2019.

Learned State Counsel does not dispute the custody period,

however, submits that charges in the case were framed on 18.09.2019 and now the prosecution witnesses are yet to be examined on 19.10.2019.

Heard learned counsel for the parties.

Considering the statement made by the prosecutrix under Section 164 Cr.P.C., this Court finds that there is no such allegation against the petitioner that he has ever molested or tried to molest the prosecutrix. The allegation against the petitioner is that he stopped the prosecutrix on 23.08.2019 and started abusing her. Similarly, on 24.08.2019 at about 11.30 AM, when the prosecutrix has gone to her plot from the house, the petitioner has threatened her that he would kidnap her. Admittedly, petitioner is in custody since 03.09.2019. The statement of the prosecutrix under Section 164 Cr.P.C. nowhere suggests that the petitioner ever tried to molest the prosecutrix. Moreover, trial in the case is not likely to be concluded in the near future as no prosecution witness has been examined so far and case is now fixed for 19.10.2019 before the trial court. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

October 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No